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May 16, 2000

By Hand

Alva E. Smith, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5004

Dear Ms. Smith:

The undersigned represents respondents DNC Services Corporation/Democratic National Committee ("DNC") and Andrew Tobias, as Treasurer, in the above-referenced MUR. A Statement of Designation of Counsel is enclosed.

This MUR was initiated by a complaint filed by the Natural Law Party of the United States. The complaint alleges, *inter alia*, that expenditures by the Commission on Presidential Debates ("CPD") are contributions to the DNC in violation of 2 U.S.C. §441b(a) and that the DNC has failed to report CPD's contributions as required by the Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations.

The basis for the Natural Law Party's charge, as set forth in the Complaint, is that CPD was "formed by Democratic and Republican party leaders on a bi-partisan, not a nonpartisan, basis," Complaint at 7, and that, by "accepting from CPD sponsorship of debates and resulting free television time, DNC and RNC and their nominees have violated or are about to violate" section 441b(a). *Id.*

In fact, CPD is completely independent of the DNC. The "former chairman" of the DNC who co-chairs the CPD is Paul Kirk, who served as DNC Chairman from 1985 through 1989. Mr. Kirk has held no office and has played no role whatsoever in the DNC

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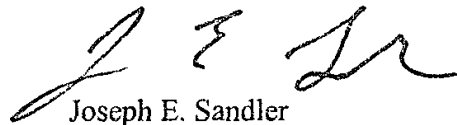
at least since 1989. He is not a member of the DNC. He has no position, official or otherwise, with the DNC.

Indeed, no member, officer or employee of the DNC sits on the board of the CPD or is otherwise involved with the organization in any way. The DNC does not now play, nor has it ever played, any role in determining the criteria for inclusion of candidates in any debates sponsored by CPD or in making any arrangements for any such debates, nor has the DNC ever been contacted about the criteria for candidate selection or any of the arrangements for any such debates. Although the arrangements for debates sponsored by CPD may have involved discussions with representatives of the presidential or vice presidential candidates, those discussions have never involved the DNC. It is absolutely false, therefore, that "inclusion or exclusion of debate candidates has been primarily a matter of negotiation between the two parties." Complaint at 5.

The Complaint offers no factual support whatsoever for the proposition that the DNC has been involved, since the time of its formation, in any way in the operation of the CPD, the determination of criteria for inclusion of candidates, or the establishment of rules for, arrangements for or any other aspect of CPD-sponsored debates.

In these circumstances, it is absurd to contend, as does the Complaint, that the DNC has in any way "accepted" sponsorship of the debates from CPD. For this reason, the Commission should find no reason to believe that the DNC has violated any provision of the Act or the Commission's regulations in connection with the sponsorship of debates by CPD, and should dismiss the complaint as to the DNC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J E Sandler', written in a cursive style.

Joseph E. Sandler

Attorneys for Respondent DNC Services
Corporation/Democratic National Committee and
Andrew Tobias, as Treasurer

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5004

NAME OF COUNSEL: Joseph E. Sandler & Neil P. Reiff

FIRM: Sandler & Reiff

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FAX: (202) 543-7685

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

5/16/00
Date

AC
Signature

Andrew Tobias - Treasurer

RESPONDENT'S NAME: DNC Services Corp./ Democratic National Committee

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